

REMARKS

Applicants appreciate the thorough and detailed examination of the present application as evidenced by the Office Action. Claims 22-24, 26-28 and 34-39 are currently pending. Claim 22 is amended herein for clarity to more particularly define the invention. Support for the amendment to claim 22 can be found in the language of original claim 10 and throughout the specification, *e.g.*, at page 4, lines 16-18. Applicants submit that no new matter is introduced by this amendment and its entry and consideration is respectfully requested.

In light of this amendment and the following remarks, Applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

Claims 22-24, 26-28 and 34-39 and 41 stand rejected under 35 U.S.C. §102(a and e) as allegedly anticipated, or in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent Application Publication No. 2003/0100238 to Morman et al. (hereinafter, “Morman”). *Office Action*, page 2. The Office Action alleges that Morman discloses an elastic thermally bonded web which has an elasticity such that it can be stretched to about 150 percent with an 83 percent recovery. *Id.* The Office Action further alleges that Morman discloses a process of heating and drawing the fabric in order to impart elasticity to the fabric. However, the Office Action admits that Morman does not disclose the claimed drawing ratio or strain rate. *Id.* at p. 3. Nevertheless, the Office Action alleges that because the instant claims are drawn to a product, not a process, the burden is shifted to the Applicant to come forward with evidence showing that any process differences result in an unobvious difference between the claimed invention and the prior art invention. *Id.*

Applicants respectfully maintain the arguments presented in Applicants’ Response to the Office Action dated May 11, 2007 (Response dated September 11, 2007; hereinafter, “Applicants’ September 2007 Response”). However, in order to expedite prosecution of this application, Applicants have amended Claim 22 herein to recite:

An elastic thermally bonded nonwoven web consisting essentially of polypropylene fibers, which has an elasticity in the cross direction of at least 70% recovery from a 100% elongation, and at least 60% recovery from a 150% elongation, **and which has a ratio of elongation at break in cross direction to the elongation at break in the machine direction of at least 800%,**

wherein the elasticity of the nonwoven web is imparted by a process comprising the following steps:

- (a) providing a thermally bonded nonwoven precursor web consisting essentially of polypropylene fibers; and
- (b) subjecting the precursor web of step (a) to a drawing treatment in a machine direction at a drawing rate of from 45 to 70 %, and a strain rate within a range of from 1000 to 2400 %/min at a temperature between the softening point and the melting point of the fibers for preparing the elastic thermally bonded nonwoven web.

Morman does not teach or suggest an elastic thermally bonded nonwoven web having a ratio of elongation at break in the cross direction to the elongation at break in the machine direction of at least 800%. In fact, Applicants submit that Morman teaches away from nonwoven webs having such elasticity in the cross direction because Morman states that its “reversibly necked material is substantially limited to extension to its prenecked dimensions.” *Morman*, para. 17. In contrast, as discussed in Applicants’ September 2007 Response, the thermally bonded nonwoven webs of the present invention can be stretched beyond their prenecked widths. *See, e.g.*, Specification at Tables 5 and 6. This high elasticity in the cross direction is imparted by the process steps recited in claim 22 and is reflected by a ratio of the elongation at break in the cross direction to the elongation at break in the machine direction of at least 800%. As such, Applicants submit claim 22, as currently presented, is patentable over Morman. Additionally, Applicants submit that dependent claims 23, 24, 26-28, and 34-49 are also patentable over Morman. Therefore, Applicants respectfully request that the present rejection be withdrawn.

CONCLUSION

Having addressed all of the issues raised by the Examiner in the pending Office Action, Applicants believe that the claims as presented herein are in condition for allowance, which action is respectfully requested. The Examiner is invited and encouraged to contact the undersigned directly in order to expedite the prosecution of the pending claims to issue.

A fee for one month extension of time is included herewith. The Commissioner is authorized to charge any deficiency associated with this filing or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

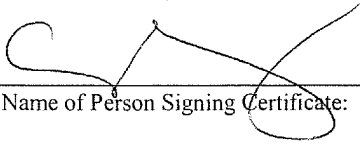


Dolores Wynne Herman
Registration No. 51,800

Customer Number 20792
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 21, 2008.

Signature: 
Typed or Printed Name of Person Signing Certificate: Carey Gregory